

Remarks/Arguments

In the Non-Final Office Action dated December 15, 2009, it is noted that claims 1-10 are pending in this application; that claims 9-10 stand rejected under 35 U.S.C. §101; and that all the claims stand rejected under 35 U.S.C. §103. Additionally, it is noted that the drawings filed on June 26, 2006 have been accepted; that the claim for foreign priority under 35 U.S.C. §119 has been acknowledged; and that all certified copies of priority documents have been received.

By this response, claims 1-8 have been amended and claims 9-10 have been cancelled without prejudice. Claim 1 has been amended to further clarify an aspect of the subject matter claimed therein. Support for the amendments is found in the original application at page 9, lines 1-15, and at page 10, line 33 through page 11, line 7, and at page 15, line 13 through page 16, line 9. Dependent claims 2-7 have been amended in order to conform the terms to the antecedents presented in amended claim 1. Support for the amendment of claim 3 is among others found at page 11, line 26 through page 12, line 22. Support for the amendment of claim 4 is found at page 16, line 26 through page 17, line 10. Support for the amendment of claim 6 is found at page 2, line 6 through page 3, line 6 and at page 8, lines 6-29. Claim 8 has been amended in a similar manner as claim 1. The amendments to the claims appear to be proper and justified. No new matter has been added.

Rejection Under 35 U.S.C. §101

Claims 9-10 stand rejected as being directed to non-statutory subject matter under 35 U.S.C. §101. In view of the cancellation of both claims 9 and 10, it is submitted that this rejection has been overcome and that the rejection should be withdrawn.

Cited Art

The following references have been cited and applied in the present Office Action: U.S. Patent Application Publication No. 2001/0021996 to Crocitti et al. (hereinafter “*Crocitti*”); U.S. Patent Application Publication No. 2004/0187161 to Cao (hereinafter “*Cao*”); U.S. Patent Application Publication No. 2003/0233451 to Ludvig et al. (hereinafter “*Ludvig*”); U.S. Patent 7,013,322 to Lahr (hereinafter “*Lahr*”); and U.S. Patent 7,386,879 to Van Willigen (hereinafter “*Van Willigen*”).

Rejection of Claims 1-10 under 35 U.S.C. §103

Claims 1-4, 7, and 8 stand rejected under 35 U.S.C. §103 as being unpatentable over Cao in view of Crocitti; claim 5 stands rejected under 35 U.S.C. §103 as being unpatentable over Cao in view of Crocitti in view of Van Willigen; claim 6 stands rejected under 35 U.S.C. §103 as being unpatentable over Cao in view of Crocitti in view of Ludvig; and claims 9-10 stand rejected under 35 U.S.C. §103 as being unpatentable over Cao in view of Lahr. As noted above, claims 9 and 10 have been cancelled without prejudice. In view of the amendments to the claims, these rejections are respectfully traversed.

Claims 1 and 8 are independent claims. Claims 2-7 depend ultimately from claim 1. The dependent claims include all the limitations of the independent base claim while introducing further limitations thereto. Claims 1 and 8 include substantially similar limitations. In light of this similarity, the remarks below will be presented substantially with respect to claim 1 and will be intended to apply equally to claim 8 without any further repetition or explanation.

None of the references teaches, shows, or suggests the limitations defined in claim 1. Specifically, none of the combined references teach, show, or suggest the receiver “connecting to a first Internet Protocol stream” or the same receiver “extracting from said first Internet Protocol stream first location information on a location on the Internet Protocol type network of at least one Internet Protocol stream conveying the content of said at least one digital service and of second location information on a location on said Internet Protocol type network of at least one second Internet Protocol stream conveying description information relating to said at least one digital service, said first and second location information comprising at least one descriptor for locating a respective Internet Protocol stream on said Internet Protocol type network” or the receiver “connecting to said at least said second separate Internet Protocol stream to obtain service description information related to said at least one digital service” or the receiver “constructing, in response to at least said second location information and said service description information, a list of at least one digital service available on the Internet Protocol type network,” all as defined in amended claim 1.

Cao has been applied to the claims as allegedly teaching the first “connecting” step and the “extracting” step performed by the receiver. No teaching of Crocitti has been applied to these limitations. Contrary to the assertions made in the present Office Action, Cao does not teach, show, or suggest these limitations. In cited paragraph [0033], Cao appears to disclose that a

system head end 100 receives content from a satellite receiver. Presumably, this head end is being analogized to Applicants' claimed receiver. But, in citing paragraphs [0039] and [0046] of Cao against the claims "extracting" step, the present Office Action fails to cite teachings from Cao that relate to the same head end. Instead, the cited sections of Cao relate to the set top box (i.e., STB 36 or STB 136) rather than the head end. In contrast, Applicants' claimed connecting and extracting steps are performed in the same receiver, not in physically and geographically disparate elements as taught in Cao.

Even if one were to assume for the sake of argument that Cao teaches the steps being performed in the same receiver, an assumption with which Applicants neither acquiesce nor agree, the cited section of Cao would still fail to teach, show, or suggest the extracting step in claim 1. In the cited section of Cao, such as in paragraph [0039], Cao appears to describe relationships between the various tables to identify programming as shown in Figure 3. For example, Cao appears to describe that an out-of-band channel such as a DOCSIS modem communication path is used to communicate an auxiliary NIT table to a receiver such as a television set top box. This auxiliary NIT table is said to comprise information such as frequency, network ID, transport stream ID, and other information used by the set top box for tuning to a particular set of in band transport streams. Paragraph [0046] merely describes that the auxiliary NIT is encapsulated in a UDP packet and delivered using IP multicast via the DOCSIS network to the DOCSIS modem of set top box. Cao does not disclose or suggest a method of recognition of at least one digital service on an IP network. Cao does not teach, show, or suggest extraction of location information from an IP stream, wherein the location information represents a location on the IP type network of at least one IP stream conveying content of at least one digital service, as defined in claim 1. Cao fails to teach, show, or suggest extraction from the first IP stream by a receiver of second location information on a location on the IP type network, wherein the at least one second separate IP stream conveys description information relating to the at least one digital service.

Cao does not teach the second connecting step. As pointed out earlier, the claimed limitation is performed by the same receiver as the prior connecting and extracting limitations. The present Office Action cites only Cao in support of the rejection of this limitation. At cited paragraph [0039], Cao merely describes Figure 3 with respect to relationships between the various tables to identify programming. This citation has been discussed in detail above. In view

of those remarks, it is submitted that Cao does not even suggest that the receiver connects to at least a second separate IP stream to obtain the description information related to at least one digital service. Cao merely appears to describe the delivery of an auxiliary NIT that provides information that allows tuning to a particular set of in-band transport streams without describing any connection to a separate IP stream to obtain the description information.

Crocitti has not been expressly or impliedly applied by the present Office Action against any limitations discussed thus far. This would appear to be expected since Crocitti fails to describe or even suggest connection to IP streams, let alone extraction from IP streams of location information and description information. The present Office Action does admit that Cao fails to teach the “constructing” step defined in claim 1. For the purpose of curing this admitted defect in Cao’s teachings, it appears that Crocitti has been combined with Cao. But, Crocitti does not cure the defect in Cao’s teachings. Moreover, the combination of Cao and Crocitti still fail to teach all the limitations in claim 1.

In rejecting the “constructing” limitation, Crocitti at paragraph [0028] is cited and applied. Crocitti is related to a process for constructing databases for digital television services by tuning to a carrier frequency and then extracting information table data to construct the database. Crocitti is obviously related RF distribution of television services and thereby Crocitti acquires the data and all information from a single tuned RF channel. Crocitti fails to disclose or suggest that a receiver uses separate IP streams to acquire location information and service description information to construct a list of at least one digital service available on the IP type network.

Crocitti does not cure these deficiency in Cao’s teachings. Thus, the combination of Cao and Crocitti do not teach all the limitations in claim 1 and the claims dependent thereon. Moreover, because of the stated similarities between the limitations in claims 1 and 8, it is also believed that Cao and Crocitti do not teach all the limitations in claim 8.

For at least the reasons discussed above, it is submitted that the elements of independent claims 1 and 8 and the claims dependent thereon would not have been obvious to a person of ordinary skill in the art upon a reading of Cao and Crocitti, taken either separately or in combination. Therefore, it is believed that claims 1-4, 7, and 8 are allowable under 35 U.S.C. §103. Withdrawal of this rejection is respectfully requested.

Van Willigen was combined with Cao and Crocitti apparently to cure the deficiency in their teachings as related to receiving of the IP address and port address. Even if it is assumed for the sake of argument that Van Willigen teaches the receiving step in the manner proposed in the present Office Action, an assumption with which Applicants neither acquiesce nor agree, Van Willigen would still fail to teach, show, or suggest the limitations in independent base claim 1 and therefore dependent claim 5. Van Willigen does not cure the defects in the combined teachings of Cao and Crocitti with respect to the limitations of claim 1. Therefore, it is believed that Van Willigen together with Cao and Crocitti fail to teach, show, or suggest all the limitations of claim 5.

For at least these reasons, it is submitted that the elements of dependent claim 5 would not have been obvious to a person of ordinary skill in the art upon a reading of Cao and Crocitti, taken either separately or in combination. Therefore, it is believed that claim 5 is allowable under 35 U.S.C. §103. Withdrawal of this rejection is respectfully requested.

Ludvig was combined with Cao and Crocitti apparently to cure the defect in their teachings as related to DVB service data in the streams. Even if it is assumed for the sake of argument that Ludvig teaches that the streams include only a single DVB service in the manner proposed in the present Office Action, an assumption with which Applicants neither acquiesce nor agree, Ludvig would still fail to teach, show, or suggest the limitations in independent base claim 1 and therefore dependent claim 6. Ludvig does not cure the defects in the combined teachings of Cao and Crocitti with respect to the limitations of claim 1. Therefore, it is believed that Ludvig together with Cao and Crocitti fail to teach, show, or suggest all the limitations of claim 6.

For at least these reasons, it is submitted that the elements of dependent claim 6 would not have been obvious to a person of ordinary skill in the art upon a reading of Cao and Crocitti, taken either separately or in combination. Therefore, it is believed that claim 6 is allowable under 35 U.S.C. §103. Withdrawal of this rejection is respectfully requested.

Conclusion

In view of the foregoing, it is respectfully submitted that all the claims pending in this patent application are in condition for allowance. Entry of this amendment, reconsideration of the application, and allowance of all the claims are respectfully solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner contact the Applicants' attorney, so that a mutually convenient date and time for a telephonic interview may be scheduled for resolving such issues as expeditiously as possible.

In the event there are any errors with respect to the fees for this response or any other papers related to this response, the Director is hereby given permission to charge any shortages and credit any overcharges of any fees required for this submission to Deposit Account No. 07-0832.

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